

1 HB168  
2 135476-2  
3 By Representatives Ball, Williams (P), Sanderford,  
4 Johnson (W), Patterson and McCutcheon  
5 RFD: County and Municipal Government  
6 First Read: 07-FEB-12

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SYNOPSIS: Under existing law, a municipal public housing authority may exercise the power of eminent domain.

This bill would also provide that a public housing authority in certain Class 3 municipalities may exercise the power of eminent domain only with the approval of the governing body of the municipality.

This bill would authorize a municipal public housing authority in certain Class 3 municipalities to purchase property for public housing purposes after notice to certain surrounding property owners. This bill would provide that notice would be given by first class mail.

A BILL  
TO BE ENTITLED  
AN ACT

1           To amend Section 24-1-28, Code of Alabama 1975,  
2 relating to municipal public housing authorities; to restrict  
3 public housing authorities in certain Class 3 municipalities  
4 from exercising the power of eminent domain except with  
5 approval of the governing body of the municipality; to  
6 authorize a municipal public housing authority in certain  
7 Class 3 municipalities to purchase property only for public  
8 housing purposes and after notice to certain property owners;  
9 and to provide for the manner in which notice shall be given.  
10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11           Section 1. Section 24-1-28, Code of Alabama 1975, is  
12 amended to read as follows:

13           "§24-1-28.

14           "(a) The authority ~~shall have the right to~~ may  
15 acquire by eminent domain any property, real or personal,  
16 which it may deem necessary to carry out the purposes of this  
17 article, after the adoption by it of a resolution declaring  
18 that the acquisition of the property described therein is in  
19 the public interest and necessary for public use. The  
20 authority may exercise the power of eminent domain pursuant to  
21 the provisions of Title 18. Property already devoted to a  
22 public use may be acquired; provided, that no property  
23 belonging to any city within the boundaries of the authority,  
24 or to any government, may be acquired without its consent, and  
25 that no property belonging to a public utility corporation may  
26 be acquired without the approval of the Public Service

1 Commission or other body having regulatory power over such  
2 corporation.

3 "(b) Notwithstanding subsection (a), a public  
4 housing authority in a Class 3 municipality, except a Class 3  
5 municipality organized under Act 618 of the 1973 Regular  
6 Session, shall not exercise the power of eminent domain except  
7 with approval of the governing body of the municipality. The  
8 authority may purchase real property only after notice of  
9 intent to purchase the property is given to surrounding  
10 property owners as provided herein. Notice of the proposed  
11 purchase in the Class 3 municipalities shall be sent via first  
12 class mail to each residential and business address within 300  
13 yards of the property proposed to be purchased not less than  
14 30 days prior to execution of any binding agreement to  
15 purchase the property."

16 Section 2. The provisions of this act are severable.  
17 If any part of this act is declared invalid or  
18 unconstitutional, that declaration shall not affect the part  
19 which remains.

20 Section 3. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.